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REMARKS

Claims 1-8 were pending in the present application, all of which stand rejected. No claims are amended or canceled in this response. Hence, Claims 1-8 are currently pending.

Rejections under 35 U.S.C. §103(a)

Claims 1-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the AAPA (Applicant Admitted Prior Art) in view of the U.S. Patent to Kikuchi et al (5,381,369).

<u>Claims 1-4</u>

In order to show a prima facie case off obviousness, each and every feature of the claims must be taught or suggested by the cited prior art. See MPEP §2143.03. The Examiner admits that the AAPA does not disclose "an operational mode enforcing circuit for setting the first reading mode regardless of the input control command, in a data protection status where the programming mode and the erasing mode are inhibited from being set in accordance with a control signal for protecting predetermined data" as recited in Claim 1. (Office Action §7). The Examiner alleges, however, that these features are disclosed in Kikuchi et al. Applicant disagrees.

The Examiner apparently believes that Kikuchi et al. discloses an operational mode enforcing circuit that sets a first reading mode regardless of the input control command, as recited in Claim 1, because in Kikuchi et al. "data is being read (first reading mode) from the protect memory cell whenever any command is executed (regardless of input control command)." (Office Action §4) As the Examiner notes, in Kikuchi et al. data is read from the protect memory cell <u>whenever</u> a command is executed. Hence, if reading data from Kikuchi et al.'s protect memory cell can be considered "a first reading mode" as recited in Claim 1 (which Applicant does not accept), then under the Examiner's interpretation the device of Kikuchi et al. is <u>always</u> in "first reading mode."

In contrast, Claim 1 recites an operational mode enforcing circuit for "setting the first reading mode regardless of the input control command .... <u>in accordance with a control signal.</u>" (emphasis added). That is, in Claim 1 the first reading mode is <u>not always set, but may be set or not set depending on the control signal.</u> As an example of the invention of Claim 1, not meant to be

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limiting, Figure 3 of the present application shows a circuit that sets the first reading mode regardless of the control command input at the data input terminal if control signal WP# is low, but may set a mode (including modes other than the first reading mode) according to a the control command input at the data input terminal if control signal WP# is high.

Hence, Claim 1 distinguishes over the combination of AAPA and Kikuchi et al. at least because neither the AAPA nor Kikuchi et al. teaches or suggests "an operational mode enforcing circuit for setting the first reading mode regardless of the input control command, in a data protection status where the programming mode and the erasing mode are inhibited from being set in accordance with a control signal for protecting predetermined data" as recited in Claim 1. (emphasis added).

Claims 2-4 distinguish over the cited combination of references at least by their dependence on Claim 1.

Claims 5-8

Claim 5 distinguishes over the AAPA and Kikuchi et al. by reciting "an operational mode enforcing circuit for enforcedly setting an inner level of a control command input circuit to an inner level corresponding to the first reading mode regardless of an input level of the control command, in a data protection status where the programming mode and the erasing mode are inhibited from being set in accordance with a control signal for protecting predetermined data." (emphasis added). As demonstrated above, neither of the cited references teaches or discloses these features.

Claims 6-8 distinguish over the cited combination of references at least by their dependence on Claim 5.

Hence, Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-8 under 35 U.S.C. § 103(a).

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing **Attorney Docket No. 577642000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 26, 2006   Respectfully submitted,

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